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U.S. Appeals Mineral King Ban

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A 3-judge panel of the U.S. Circuit Court of Appeals in San Francisco last week took under advisement U.S. government arguments to dissolve a temporary injunction which prohibits further development of Mineral King, Walt Disney Productions ski resort project in the Sierra Nevada.

The Sierra Club successfully sought the temporary injunction in the U.S. District Court in San Francisco. The appeals court is expected to rule within a few months.

The arguments presented by the U.S. government attorneys representing the Forest Service questioned the Sierra Club's right to sue since it does not have a direct interest in Mineral King.

Walter Kirchel Jr., deputy assistant attorney general, also said that the Forest Service has full authority to issue term permits on acreage above the 80-acre limitation.

The Sierra Club has questioned whether the Forest Service has the right to issue one-year revocable permits, arguing that since some facilities are located on this surplus acreage the permits cannot be revoked.

Leland Selna, attorney for the conservationist organization, also pointed out that the status of Mineral King was a National Game Refuge, a use which was not compatible with a ski area.

Friends of the court arguments have been submitted by Tulare County, where the proposed ski area would be located, and the Far West Ski Assn.

A spokesman for the Forest Service pointed out that the government agency is presently "holding the line" on approval of other ski area developments until the outcome of the suit is decided.

He said that this was not a formal policy of the Forest Service, but rather an informal policy. Most ski resorts are on Forest Service lands and the majority take up more than the 80 acres covered under the 30-year permits.

Meanwhile, at a recent stockholders meeting Walt Disney Productions said it has no immediate plans to abandon the $35 million development. Several shareholders at the meeting questioned what the fight was doing to the company's image but Donald Tatum, president of Walt Disney Productions, said he believed dissenting stockholders were in the minority.

About 25 pickets from the Sierra Club marched in protest outside the stockholders' meeting.

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